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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/797,374

Applicant: Jeffrey O. PHILLIPS

Filed: March 10, 2004

Title: NOVEL SUBSTITUTED BENZIMIDAZOLE  
DOSAGE FORMS AND METHOD OF USING  
SAME

Art Unit: Unknown


Examiner: unknown

Docket No.: 04242350

Customer No.: 26565

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO/SB/08B form. This Information Disclosure Statement is being filed before the first Office Action on the merits; and therefore the Applicant believes no fee is required.

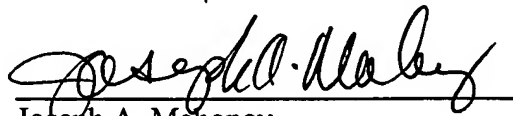
Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration of relevant portions thereof by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each of all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

The Commissioner is hereby authorized to charge any additional filing fees required under Rule 1.17 concerning this transaction, or to credit any overpayment to Deposit Account 13-0019.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Joseph A. Mahoney", is written over a horizontal line.

Joseph A. Mahoney

Reg. No. 38,956

Date: September 9, 2005

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 1

**Complete if Known**

Application Number	10/797,374
Filing Date	March 10, 2004
First Named Inventor	Phillips
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	04242350

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		6,780,882	08/24/2004	Phillips	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	1*
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		EP 0584588	08/03/1993	Nippon Chemiphar Co., Ltd.		

**NON PATENT LITERATURE**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		<i>Request for Ex Parte Reexamination Transmittal Form; Request for Reexamination under 35 USC 302-307 and 37 CFR 1.510 of U.S. Patent No. 6,699,885 filed with the U.S. Patent Office on August 22, 2005, including its Exhibits A, B, B1-9 and C</i>
		<i>M. Horowitz, et al., The Effect of Omeprazole on Gastric Emptying in Patients with Duodenal Ulcer Disease, 18 Br. J. Clin Pharmac. 791-794 (1984)</i>
		<i>Martindale The Extra Pharmacopeia, Twenty-ninth Edition, Edited by James E.F. Reynolds, London, The Pharmaceutical Press (1989).</i>

CHDB01 1262652.1 24-Feb-05 16:37

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket 05-660)

the Patent of:

Jeffrey O. Phillips

U.S. Patent No. 6,699,885

Filed: January 19, 2002

For: Substituted Benzimidazole Dosage Forms  
And Methods of Using Same

ISSUE DATE: MARCH 2, 2004

MAIL STOP REEXAM  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

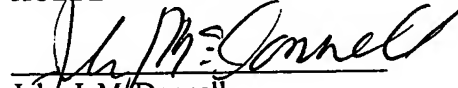
TRANSMITTAL LETTER

In regard to the above identified application:

1. We are transmitting herewith the attached:
2.
  - a. Request for Ex Parte Reexamination Transmittal Form;
  - b. Request for Reexamination under 35 U.S.C. §§ 302-307 and 37 C.F.R. § 1.510;
  - c. Return Receipt Postcard.
3. Check in the amount of \$2,520.00
4. Please charge any additional fees or credit overpayment to Deposit Account No.13-2490.

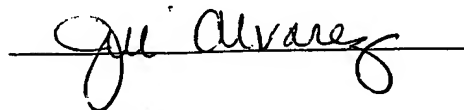
Respectfully submitted,

McDONNELL BOEHNEN  
HULBERT & BERGHOFF LLP

  
John J. McDonnell  
Reg. No. 26,949

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10: The undersigned hereby certifies that this Transmittal Letter and the papers, as described herein-above, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Mail Stop REEXAM, Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450, on this 22 day of August, 2005. Express Mail No. EV334690081US.



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